



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,250	01/03/2002	Kevin D. Kroupe	A3648.0012/P333-A	4615

24998 7590 03/06/2002

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER

WALTON, GEORGE L

ART UNIT	PAPER NUMBER
----------	--------------

3753

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/034,250

Applicant(s)
Kroupe et al

Examiner
George L. Walton

Art Unit
3753



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 3753

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 11-14, 22-23, 44 and 47-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In these dependent claims and any that depend therefrom, it should be brought out more clearly that the engageable torque unit engages a portion of the valve seal unit for locking the actuator and the valve seal unit together only when the bleed valve has been fully opened, thereby permitting rotation of the actuator to rotate the valve seal unit away from its valve seat for maximum flow. Also, it should be clear that the rotation of the valve seal unit rotates within the valve housing along a portion of the housing outlet 26. As for claims 22-23, and 47-50 the correlation between the first and second flows, the pressure regulator and the operative device should be more clearly brought out. Claim 44 is not clearly understood.

Clarification of the above noted observations is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3753

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness ~~non~~obviousness.

Claims 7, and 26-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Klinger-Lohr, or Brumm. Intended use is afforded no patentable weight. It is obvious that the claimed valve could regulate flow in any type of environment. In the patent to Klinger-Lohr, the seal unit valve member VM cannot be opened until the bleed or relief valve 19 is fully opened. It is only when the collar 7 engages the valve member VM that it will open. Note that the rotation of the valve member VM is through the screw and nut elements or actuator unit 5 and 24. Element 5 is readable on the piston unit of Klinger-Lohr. Also, in the patent to Brumm, the seal unit valve member 74 cannot be opened until the bleed or relief valve 76 is fully opened. It is only when the shoulder 86 engages the valve member slide bearing 82 that it will open. Note that the rotation of the valve member 74 is through the screw and nut elements or actuator unit 33 and 34. Brumm. Elements 34 and 46 are readable on the piston unit of Brumm. The limitations of claims 41-44 are merely obvious design expedients to one of ordinary skill in the art, at the time the invention was made.

Claims 7, and 26-27, and 32-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cranage. Intended use is afforded no patentable weight. It is obvious that the claimed valve could regulate flow in any type of environment. In the patent to Cranage, the seal unit valve member 41 cannot be opened until the bleed or relief valve 46 is fully opened. It is only when the retaining ring 45 engages the valve member 41 that it will open. Note that the rotation of the valve member 41 is through the screw and nut elements or actuator unit

Art Unit: 3753

52 and 54. Element 34 is readable on the piston unit of Cranage. The limitations of claims 41-44 are merely obvious design expedients to one of ordinary skill in the art, at the time the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Klinger-Lohr, or Brumm as applied to claims 7, and 26-46 above or Cranage as applies to claims 7, and 26-27 and 32-46 above, and further in view of Martin. The above claims are readable on either one of Klinger-Lohr, or Brumm, or Cranage with the single exception of having the valve seal member to rotate directly within the valve housing. The patent to Martin teaches the above exception. In view of the teaching of Martin, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to have the valve seal units of either one of Klinger-Lohr, Cranage, or Brumm to rotate directly within either one of their valve housings as taught by elements 6 and 7, if desired opposed to the sliding movement of either one of the valve seal units relative to the rotation of either one of the actuators of Klinger-Lohr, Cranage, or Brumm.

Claims 1-11, 13-21, 24-26, 31-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Note that intended use is afforded no patentable weight. It is obvious that the claimed valve could regulate any type of flow in various types of environments. Note that the bleed valve 14 is moved axially by the actuator 23 downwardly against the spring 20 and the valve seal unit 5 is rotated via the threaded elements 7 and 10 as the actuator 23 is rotated. Note that the first axial direction is different than the second rotational direction and the third rotational direction is opposite the second rotational direction. Element 8 is readable on the cover. The button is readable on element 23 and the actuator/handle is readable on element 24. The engageable torque unit is readable on elements 24 and 25.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be

Application/Control Number: 09/374,130

Page 5

Art Unit: 3753

directed to George L. Walton whose telephone number is (703) 308-2596.



**GEORGE L. WALTON
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER - 3700
ART UNIT - 3753**

GLW
March 1, 2002